

RemarksRECEIVED
CENTRAL FAX CENTER

NOV 29 2006

Claims 16, 18, 19 and 22-25 have been amended.

The Examiner has rejected applicant's claims 19-21, 23 and 25 under 35 USC 102(e) as anticipated by the Aikens, et al. patent (US Patent No. 6,216,113). The Examiner has further rejected applicant's claims 16-18, 22 and 24 under 35 USC 103(a) as unpatentable over the Aikens, et al. patent. Applicant has amended applicant's independent claims 16, 19 and 22-25, and with respect to these claims, and their respective dependent claims, the Examiner's rejections are respectfully traversed.

Applicant's independent claim 16 has been amended to recite a client terminal device in which a software including a plurality of functions is installed, the device comprising selection means for selecting any of the functions in response to a user's operation, usability permission request means for requesting a server apparatus to permit usability of the selected function, payment means for executing payment processing of a price of the function the usability of which is permitted in response to the request by the usability permission request means, every predetermined period, count means for counting a period in which the function remains being not executed, usability prohibition request means for requesting the server apparatus to prohibit a usability of the function if the counter period exceeds the predetermined period, and payment termination means for executing termination processing of payment of the price of the function of usability of which is prohibited in response to the request by the usability prohibition request means. Applicant's independent claims 22 and 24 have been similarly amended.

Applicant's independent claim 19 has been amended to recite a server apparatus for charging to a use of a software installed in a client terminal device, the apparatus comprising

usability permission request receiving means for receiving from the client terminal device a request of permitting usability of any of a plurality of functions of the software, usability permission informing means for informing a notice of usability permission of any of the plurality of functions to the client terminal device in response to the request received by the usability permission request receiving means, charge means for charging, every predetermined period, to the function which is in a state of usability permission among the plurality of functions of the software, usability prohibition request receiving means for receiving from the client terminal apparatus a request of prohibiting usability of the function which remains being in a state of usability permission for the predetermined period among the plurality of functions of the software, usability prohibition informing means for informing the client terminal apparatus of a notice of usability prohibition of the function in response to the request received by the usability prohibition request receiving means, and charge control means for controlling the charge means to terminate charge for the function which is in a state of usability prohibition. Applicant's independent claims 23 and 25 have been similarly amended.

The constructions recited in applicant's independent claims 16, 19 and 22-25 are not taught or suggested by the cited Aikens, et al. patent. Applicant has reviewed the Aikens, et al. patent and believes that there is nothing taught or suggested in Aikens, et al. of executing payment processing of a price of the function, the usability of which is permitted in response to the request by the usability permission request means, every predetermined period or of charging, every predetermined period, to the function which is in a state of usability permission among the plurality of functions of the software.

Specifically, the Aikens, et al. patent discloses an electronic network transaction recording system, which allows a user to select a function, such as printing a job, from a user interface, requires the user to input an access code and an account number, and permits use of the selected function if the inputted access code and account number are valid and if there is sufficient credit in the account to perform the requested function, i.e. print job. Col. 5, lines 8-45. The Aikens, et al. patent further discloses that the system recalculates remaining credit on the account to determine available usage before performing the next job. Col. 5, line 66 – Col. 6, line 4. Thus, the system in Aikens, et al. determines payment price for the function and performs payment processing, or charging, of the price for each use of the function by the user after confirming sufficient credit in the account and permitting use of the function.

The Aikens, et al. patent is completely silent as to executing payment processing, or charging, of the price of the function periodically, i.e. every predetermined period, regardless of whether the function is being used or not. Instead, the payment processing or charging in Aikens, et al. is performed each time the function is used by the user. Accordingly, there is no teaching or suggestion in the Aikens, et al. patent of executing payment processing of a price of the function, the usability of which is permitted in response to the request by the usability permission request means, every predetermined period. Likewise, there is nothing taught or suggested in Aikens, et al. of charging, every predetermined period, to the function which is in a state of usability permission among the plurality of functions of the software. Applicant's amended independent claims 16, 19 and 22-25, each of which recites at least one of such features, and their respective dependent claims, therefore, patentably distinguish over the Aikens, et al. patent.

Best Available Copy

Moreover, the Aikens, et al. patent does not teach or suggest counting a period in which the function remains being not executed and requesting the server apparatus to prohibit usability of the function if the counted period exceeds the predetermined period. The Aikens, et al. patent also fails to teach or suggest receiving from the client terminal apparatus a request prohibiting usability of the function which remains being in a state of usability permission for the predetermined period among the plurality of functions of the software.

The Examiner has acknowledged, with respect to applicant's amended independent claims 16, 22 and 24, that the Aikens, et al. patent does not teach or suggest counting a period in which the function is not executed and requesting the server apparatus to terminate the usability of the function if the counted period exceeds a threshold. The Examiner has, however, argued that the Aikens, et al. patent discloses the use of billing counters and periodic accumulation of billing information (Col. 4, lines 23-35), and that it would have been obvious to cancel the account or to stop replenishing funds in the account if the billing count information was null upon billing information transfer.

Applicant respectfully disagrees with the Examiner's arguments, and submits that the teaching of the billing system, including the billing counters, in Aikens, et al. would not make it obvious to a person skilled in the art at the time of the invention to perform the counting and the prohibition of usability based on a predetermined time period, as recited in applicant's amended independent claims 16, 19 and 22-25. More particularly, the Aikens, et al. patent only discloses use of the billing counters to determine billing information, i.e., price, for a function requested or selected by the user (Col. 5, lines 43-63), and further teaches prohibiting usability of the function if, after a recalculation of the remaining credit for the account, it is determined that the account's limit is exceeded by the price of the function. There is no

Best Available Copy

mention in Aikens, et al. of any counting of a period in which the function remains not being executed, or of prohibiting usability of the function based on the time the functions remains idle or in the state of usability permission, i.e. if the counted period exceeds the predetermined period or if the function remains being in a state of usability permission for the predetermined period.

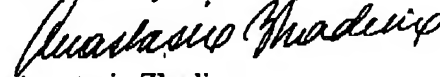
Accordingly, applicant again submits that applicant's amended independent claims 16, 19 and 22-25, each of which recites one or more of these features, and their respective dependent claims, patentably distinguish over the cited Aikens, et al. patent.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: November 29, 2006

COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, NY 10036
(212) 790-9200

Respectfully submitted,


Anastasia Zhadina
Reg. No. 48,544
Attorney for Applicant

Best Available Copy